

# TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



**Project Name:** BARRETT TOWNHOMES

**Case Number:** PLD2009-00044; EVR2009-00035; EVR2009-00050; VAR2009-00015

**Location:** 7004 NE 12<sup>th</sup> Avenue

**Request:** The applicant is requesting to short plat .34 acres into 5 single-family residential lots located in the R-18 zone district. VAR2009-00015 was withdrawn.

**Applicant:** Karen Barrett  
402 E. Pleasant Street  
Elk Point, SD 57025.  
[kayandjade@aol.com](mailto:kayandjade@aol.com)

**Contact Person:** Kyle Feeder  
1514 NE 267<sup>th</sup> Avenue  
Camas, WA 98607  
(360)834-0174; (360)838-0155 fax  
[kpfsurvey@comcast.net](mailto:kpfsurvey@comcast.net)

**Property Owner:** Karen Barrett  
402 E. Pleasant Street  
Elk Point, SD 57025.  
[kayandjade@aol.com](mailto:kayandjade@aol.com)

## **DECISION**

**Approve, subject to Conditions**

**Team Leader's Initials:**  **Date Issued: December 31, 2009**

### **County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Team Leader:</b>	Travis Goddard	4180	Travis.goddard@clark.wa.gov
<b>Planner:</b>	Jan Bazala	4499	Jan.bazala@clark.wa.gov
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Tom Grange	4449	Tom.grange@clark.wa.gov
<b>Engineer</b> (Trans. & Stormwater):	David Bottamini	4881	David.bottamini@clark.wa.gov
<b>Fire Marshal Office</b>	Tom Scott	3323	tom.scott@clark.wa.gov

**Comp Plan Designation:** UM

**Parcel Number:** (Parcel Number 098826-090) Northwest Quarter of Section, 11, Township 2 North, Range 1 East of the Willamette Meridian

### **Applicable Laws:**

Clark County Code: Title 15 (Fire Prevention), Section 40.220.020 (Residential & Office Residential District), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Sections 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determinations), Section 40.540 (Land Division Ordinance), Section 40.550.020 (Variances), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), and the Clark County Comprehensive Plan.

**Neighborhood Contact:** NE Hazel Dell Neighborhood Association; Bud Van Cleve, President; 1407 NE 68 Street; Vancouver, WA 98665; 695-1466  
E-mail to Bud Van Cleve: [BSVANC@aol.com](mailto:BSVANC@aol.com);  
E-mail to Doug Ballou: [dballou@pacifier.com](mailto:dballou@pacifier.com); Liaison: Tom Griffith 397-1911

### **Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the

same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on July 31, 2008. The pre-application was determined to be not contingently vested.

The fully complete application was submitted on August 21, 2009, and determined to be fully complete on August 25, 2009. Given these facts, the application is vested on August 21, 2009.

There are no disputes regarding vesting.

### **Time Limits:**

The application was determined to be fully complete on August 25, 2009. The applicant requested a hold to obtain a necessary off-site easement necessary for a stormwater variance, adding an additional 36 days to the process. Therefore, the County Code requirement for issuing a decision within 78 days lapses on December 31, 2009.

### **Public Notice:**

Notice of application was mailed to the applicant, the NE Hazel Dell Neighborhood Association and property owners within 300 feet of the site on September 2, 2009.

### **Public Comments:**

Bruce Coleman, the owner of the property immediately north of the site visited with staff and discussed concerns regarding offsite runoff onto his property. No written comments were submitted by Mr. Coleman, however.

Allen Huang, owner of the property 7001 NE Highway 99, immediately west of the site sent an email to staff, stating he does not wish to provide a stormwater easement across his property for the benefit of the project's stormwater overflow. (**See Exhibit 10**)

### **Project Overview**

The site is Lot 9 of Colwood Terrace, a subdivision created in 1949. Most of the lots in this subdivision are developed with homes dating to 1950. The site and abutting lots have a gentle slope downhill to the west. No critical areas are known to exist on the site.

NE 12<sup>th</sup> Avenue dead ends just south of the site, due to a steep hill that rises abruptly.

Immediately to the west is an extended stay motel.

The site is located within the Vancouver School District, Fire District 6, Clark Regional Wastewater sewer district, and Clark Public Utilities water district.

A five lot short plat is proposed. Although the application is titled "Barrett Townhomes", single family detached homes are proposed.

The application consists of the short plat, two road modifications, and a stormwater variance. No SEPA review was requested.

A number of changes were submitted after the original application, including a revised preliminary plat (Exhibit 7, KPF date of 10/14/09 ), a stormwater variance for relief from the groundwater monitoring requirement for a period of one year (Exhibit 8) and an additional road modification (Exhibit 9). The stormwater variance was subsequently withdrawn.

#### Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UM	R-18	Single family dwelling
North	UM	R-18	Single family dwelling
East	UM	R-18	Single family dwelling
South	UM	R-18	Single family dwelling
West	GC	CL	Extended stay motel

#### Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

#### Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

#### LAND USE:

##### Land Use Finding 1 – Lot Standards

The project proposes single family detached dwellings within the R-18 zoning district. Applicable standards include:

Density: 12-18 du./acre

Minimum lot area for single family detached dwellings: 1800 sf

Minimum lot width: 25 feet

Minimum lot depth: 50 feet

The proposal meets the above density, area, and dimensional requirements.

**Front Setback: 20 feet**

The setbacks for Lots 1 through 4 are shown as 20 feet from a shared driveway easement; however, the easement is shown as varying between 22 feet wide to 16 feet wide. Per Section 40.350.030.B.4.b.(2), shared driveway easements shall be a minimum of 20 feet wide. **(See Condition A-3.c)**

**Side / Rear Setback: None**

Five foot wide side setbacks are shown on the preliminary plat. Zero foot rear setbacks are shown on Lots 1-4; however, the landscaping provisions require a five foot wide landscape buffer along the south property line. **(See Land Use Finding 2 and Condition A-8)**

**Street Side Setback: 10 feet**

The existing house on Lot 5 will have less than a 5 foot (approximate) street side setback to the new private street easement, which is required to be 25 feet wide. No setback variance is required when an existing structure is made non-conforming by the requirement of a new street.

**Land Use Finding 2 – Landscaping**

Required buffers are as follows: 10 foot wide L-3 landscape buffer along the west side, and 5 foot wide L-1 buffers along the north, south and east sides. No landscape buffers or landscape plans were included in the application.

Per 40.320.010.C.6 landscaping is normally to be provided along the perimeter of the lots. Imposition of a five foot wide buffer along the north property line would push the road and driveway easements further south reducing the building envelope depths. Instead of requiring the five foot L1 buffer between the north property line and the street/driveway easement, the L1 buffer can be allowed along the south side of the road/driveway, within the front yard setback. This will not reduce the depth of the building envelopes, as the buffer will be included within the 20 foot front setback from the road/driveway easement. To compensate for the shift in the buffer, and to screen the private road / driveway from the abutting lot to the north, the applicant has agreed to install a solid 6' high fence along the north property line.

The western 15 feet of the site is shown as a proposed sewer easement. According to Cedric Redula of Clark Regional Wastewater (360.750.5876), landscaping can be located within the sewer easement, although the utility will likely not be held responsible for damage to landscaping. Therefore, the western 10 foot L-3 buffer can overlap the sewer easement.

A five foot wide L1 buffer will be required along the south property line. This will require a de facto five foot building setback along the south property line instead of the zero foot setback shown on the preliminary plat.

In addition to the required buffers, Section 40.220.020.C.5 requires that at least 20% of the site must be landscaped. Twenty percent of .34 acres is .068 acres, or 2,962 square feet. The area of the required buffers is approximately 1,945 square feet; therefore, additional landscaped areas must be designated on the plat. If some of the setback areas of the lots are designated as landscaped areas in addition to the required buffers, the 20% requirement can be met.

Because the landscaped areas will be part of individual lots, owners will need to provide evidence that landscaping has been installed prior to issuance of final occupancy permits. **(See Conditions A-8 and F-2)**

#### Land Use Finding 3 – Existing Structures

The existing residence will remain on Lot 1. An existing shed straddling Lots 2 and 3 will be removed. Demolition permits will be required for the removal of the shed. **(See Condition B-2)**

#### Land Use Finding 4 – Manufactured Homes

The applicant has not specifically stated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. Therefore, per Section 40.260.130(A)(2), manufactured homes are prohibited on any lot within this plat. **(See Condition D-6-a)**

#### Land Use Finding 5 – Safe Walking Conditions

Hazel Dell Elementary school is the only public school within a one mile radius of the site; however, it is located on the west side of 1-5, which requires a circuitous sidewalk route of well over one mile, requiring busing of students.

#### Land Use Finding 6 -- SEPA

Short plats are categorically exempt from SEPA review; however, if the project will move over 500 cubic yards of earth, SEPA review will be required prior to the issuance of a grading permit. **(See Condition A-1)**

#### Land Use Finding 7 – “Townhome” review

The site’s R-18 zoning allows for both attached and detached single family dwellings. Although the preliminary plat is labeled “Barrett Townhomes”, the application is not intended to, and does not meet the townhome special use provisions in section 40.260.230. The title of the final plat should remove the term “townhomes” to prevent potential confusion as to what types of buildings can be constructed.

**Conclusion (Land Use):** Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

#### ARCHAEOLOGY:

The applicant has submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans and final plat will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. **(See Conditions A-2 and D-6.b)**

**Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

**TRANSPORTATION:**

**Finding #1 – Roads**

NE 12<sup>th</sup> Avenue is an "Urban Cul-de-sac". The minimum half-width frontage improvements that are required include 13 feet of paved width, curb, gutter, and sidewalk. Half-width right-of-way dedication of 23 feet is also required. The existing 25-foot half-width road right-of-way is sufficient. The applicant has proposed the minimum required frontage improvements.

The applicant proposes to construct a private road from NE 12<sup>th</sup> Avenue to provide access to Lots 1-4. The private road is required to extend between NE 12<sup>th</sup> Avenue and the west side of the driveway entrance for Lot 4. The private road may end at the west side of the driveway entrance for Lot 4, and taper to the joint driveway for Lots 1, 2 and 3. The onsite private road shall be constructed in conformance to the Standard Detail Manual Drawing #17 A, to include an attached sidewalk, within a 25 foot wide easement. **(See Condition A-3.d)**

**Finding #2 - Offsite Road improvements**

According to CCC 40.350.030(B)(6)(a), nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.

In compliance with CCC 40.350.030(B)(6)(b), any pre-existing roadway narrower than eighteen (18) feet with one (1) foot shoulders shall be widened to the full twenty (20) foot standard. The applicant has volunteered to perform offsite improvements by widening NE 12<sup>th</sup> Avenue to 20 feet in the areas where the pavement width is less than 18 feet. **(See Exhibit 11; See Condition A-3-a)**

**Finding #3 - Road Modification (EVR2009-00035 and EVR2009-00050)**

1. The applicant submitted a design road modification asking for relief from the requirement for a turnaround that meets county code.

2. The applicant has proposed an inverted crown cross-section for the proposed private road.

#### Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

1. The applicant indicates the standard requires a minimum 35-foot radius per standard drawing #28, however, the existing bulb at the end of NE 12<sup>th</sup> Avenue has deficient pavement and right-of-way widths. The applicant indicates it is not physically possible to bring the bulb up to current standards, however, has proposed to sprinkle the four proposed houses on lots #1 through #4 in lieu of the deficient turnaround.

Staff believes the applicant has provided sufficient justification for the road modification request. Staff believes the proposal complies with 40.550.010(A)(1)(a) and the applicant has proposed sprinkled homes in lieu of the deficient turnaround. Tom Scott with the Fire Marshal's Office has communicated with staff and believes the proposal to sprinkle the homes is sufficient given the circumstances. His comments are documented under Fire Protection.

2. The applicant has proposed a plan that does not include a sidewalk fronting lot \_\_\_#5 and has asked for relief from the sidewalk standard per 40.550.010(A)(1)(c).

Staff believes relief from the requirement for an on-site sidewalk fronting one lot can be justified per 40.550.010(A)(1)(c).

3. The applicant has proposed an inverted crown for the proposed private road. A road modification is not needed since a private road inverted-crown section is allowed outright per updated Standard Detail Drawing #17A.

Staff recommended Approval of the road modification requests. (See Exhibit 12)



#### Finding #4 – Sight Distance

The applicant submitted a sight distance certification letter dated March 21, 2009. The applicant indicates branches facing east from the intersection of NE 12<sup>th</sup> Avenue and NE 72<sup>nd</sup> Street must be trimmed in order to achieve the minimum required 250 feet of sight distance.

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. **(See Condition # A-3-b)**

#### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

#### **STORMWATER:**

##### Finding #1 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. The project creates 5,000 square feet or more of new impervious surface and, therefore, shall comply with Minimum Requirements 1 through 10 for the new impervious and converted pervious surfaces per CCC 40.385.020(A)(4)(c).

##### Finding #2 – Stormwater Proposal

The applicant proposes to utilize a private StormFilter (Contech\_Stormwater Solutions) for quality control and a private infiltration system for flow control requirements. Infiltration rates were measured to be 97 inches per hour and a factor of safety of 4 was used.

##### Finding #3 - Site Conditions and Stormwater Issues:

Per CCC 40.385.020(C), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. **(See Condition # A-6-a)**

Per CCC 40.385.020(C)(3)(a), the design of stormwater infiltration facilities shall follow the requirements in Volume III, Section 3.3 of the SMMWW and the Stormwater Manual, except as revised herein, and the Washington Department of Ecology Guidance for UIC Wells that Manage Stormwater. If a facility meets any part of the UIC definition in Section 40.385.010(D), the developer must register the UIC and provide proof of registration to the county prior to use. **(See Condition # C-2)**

Per CCC 40.385.020(C)(3)(c), infiltration receptor characterization shall include the installation of groundwater monitoring wells unless the highest groundwater level is demonstrated to be at least fifteen (15) feet below the proposed infiltration facility. These wells shall be installed and monitored during at least one (1) wet season within three (3) years prior to the date of final approval. **(See Condition #A-6-b)**

Per CCC 40.385.020(C)(3)(f), the base of all infiltration basins or trench systems shall be greater than five (5) feet above the seasonal high-water mark, bedrock (or hardpan) or other low permeability layer. A separation down to three (3) feet may be considered if the groundwater mounding analysis, volumetric receptor capacity, and the design of the overflow and/or bypass structures are judged by the county to be adequate to prevent overtopping and meet the site suitability criteria specified in the SMMWW. **(See Condition #A-6-c)**

Per page 6-9 of the Clark County Stormwater Manual, an overflow route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails. The overflow route shall be able to safely convey the 100-year peak flow to the downstream conveyance system or other acceptable discharge point, in accordance with conveyance requirements. **(See Condition #A-6-d)**

Before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of construction is at least ninety-five percent (95%) of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the applicant shall submit an additional testing plan to Clark County that follows the requirements in Chapter 6 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system complies with the provisions of this chapter. **(See Condition # C-2)**

For stormwater facilities for which the county will not provide maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the standards in the county's Stormwater Facility Maintenance Manual pursuant to Section 13.26A.040. The responsible official shall approve such arrangements prior to county approval of the final stormwater plan. Final plats shall include a note specifying the party(ies) responsible for long-term maintenance of stormwater facilities. **(See Conditions # A-6-e and D-7-e)**

The county shall inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement

action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

Easements or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection and maintenance of all privately maintained facilities. **(See Condition # A-6-f)**

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.00 inches. The 10-year/24-hour storm event precipitation depth is 3.00 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.00 inches.

**Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**FIRE PROTECTION:**

**Fire Protection Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

**Fire Protection Finding 2 – Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition E-1)**

**Fire Protection Finding 3 – Fire Flow**

Fire flow in the amount of 1,000 gallons per minute supplied for 20 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,500 gpm. **(See Condition A-10.a )**

**Fire Protection Finding 4 – Fire Hydrants**

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. **(See Condition A-10.b)**

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all

fire hydrants. The local fire district chief approves the exact locations of fire hydrants. **(See Condition A-10.c)**

Fire Protection Finding 5 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Condition A-10.d)**

Fire Protection Finding 6 - Fire Apparatus Turnarounds

A fire apparatus turnaround is required and shall meet the requirements Clark County Road Standards. In lieu of an approved fire apparatus turnaround all new residential buildings shall require an approved fire sprinkler system prior to occupancy of the buildings. **(See Conditions E-2 and F-1)**

**Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

**WATER & SEWER SERVICE:**

Water and Sewer Finding 1

The site will be served by the Clark Public Utilities water and the Clark Regional Wastewater sewer district. Letters from the above districts confirm that services are available to the site.

Water and Sewer Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). **(See Condition A-9)**

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:**

### Finding 1 Impact Fees

The additional four residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

Traffic, park and school impact fees shall be assessed on Lots 1-4 as follows:

1. \$3,668.66 TIF (Hazel Dell)
2. \$1,800 SIF (made up of \$1,360 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 8
3. \$1,112 SIF per new single-family dwelling in the Vancouver School District.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules.

Impact fees are payable prior to issuance of building permits. **(See Conditions D-4.d and E-3)**

**Staff Contact Person:** Jan Bazala, (360) 397-2375, ext. 4499.

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as Exhibit 7), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 SEPA Review** - If more than 500 cubic yards of cut and fills are proposed SEPA review will be required prior to the issuance of construction plans. **(See Land Use Finding 6)**

**A-2 Final Construction Plan** -A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**A-3 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall perform offsite improvements by widening NE 12<sup>th</sup> Avenue to 20 feet in the areas where the pavement width is less than 18 feet. *(See Transportation Finding #2)*
- b. The applicant shall comply with the sight distance requirements of CCC 40.350.030(B)(8). Branches located to the east of the intersection of NE 12<sup>th</sup> Avenue and NE 72<sup>nd</sup> Street must be trimmed in order to achieve the minimum required sight distance. *(See Transportation Finding #4)*
- c. The shared driveway easement across Lots 2, 3, and 4 shall be a minimum of 20 feet. *(See Land Use Finding 1)*
- d. The private road shall be constructed in conformance with Standard Details Manual Drawing #17A, except that the attached curb and sidewalk is not required. *(See Transportation Finding #1)*

**A-4 Final Transportation Plan/Off Site (Concurrency) - none**

**A-5 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-6 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385 and the following conditions of approval:

- a. Per CCC 40.385.020(C), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. **(See Stormwater Finding #3)**
- b. Per CCC 40.385.020(C)(3)(c), infiltration receptor characterization shall include the installation of groundwater monitoring wells unless the highest groundwater level is demonstrated to be at least fifteen (15) feet below the proposed infiltration facility. These wells shall be installed and monitored during at least one (1) wet season within three (3) years prior to the date of final approval. **(See Stormwater Finding #3)**
- c. Per CCC 40.385.020(C)(3)(f), the base of all infiltration basins or trench systems shall be greater than five (5) feet above the seasonal high-water mark, bedrock (or hardpan) or other low permeability layer. A separation down to three (3) feet may be considered if the groundwater mounding analysis, volumetric receptor capacity, and the design of the overflow and/or bypass structures are judged by the county to be adequate to prevent overtopping and meet the site suitability criteria specified in the SMMWW. **(See Stormwater Finding #3)**
- d. An overflow route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails. The overflow route shall be able to safely convey the 100-year peak flow to the downstream conveyance system or other acceptable discharge point, in accordance with conveyance requirements. **(See Stormwater Finding #3)**
- e. For stormwater facilities for which the county will not provide maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the standards in the county's Stormwater Facility Maintenance Manual pursuant to Section 13.26A.040. The responsible official shall approve such arrangements prior to county approval of the final stormwater plan. **(See Stormwater Finding #3)**
- f. Easements or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection and maintenance of all privately maintained facilities. **(See Stormwater Finding #3)**

**A-7 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385

**A-8 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with Chapter 40.320 and conditions listed below:

- a. A six foot high solid fence shall be required along the entire length of the north property line.
- b. A 5 foot wide L-1 buffer shall be required abutting the south side of the road and driveway easements. Driveways are permitted to cross the buffer.
- c. The landscape plan shall show additional landscaped area to be equivalent to at least 20 percent of the site. Area calculations shall be shown on the landscape plan.
- d. A five foot L1 buffer shall be provided along the entire south property line.  
**(See Land Use Finding 2)**

**A-9 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

**A-10 Fire Marshal Requirements:**

- a. Fire flow in the amount of 1,000 gallons per minute supplied for 20 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,500 gpm. **(See Fire Protection Finding 3)**
- b. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. **(See Fire Protection Finding 4)**
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. **(See Fire Protection Finding 4)**



- d. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Fire Protection Finding 5)**

**A-11 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County
- B-2** Prior to site construction, structures slated for demolitions shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit.
- B-3 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-4 Erosion Control** - Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 Stormwater:**  
Per CCC 40.385.020(C)(3)(a), the design of stormwater infiltration facilities shall follow the requirements in Volume III, Section 3.3 of the SMMWW and the Stormwater Manual, except as revised herein, and the Washington Department of Ecology Guidance for UIC Wells that Manage Stormwater. If a facility meets any part of the UIC definition in Section 40.385.010(D), the developer must register the UIC and provide proof of registration to the county prior to use. **(See Stormwater Finding #3)**
- C-2 Stormwater:**  
Before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of

construction is at least ninety-five percent (95%) of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the applicant shall submit an additional testing plan to Clark County that follows the requirements in Chapter 3 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system complies with the provisions of this chapter. **(See Stormwater Finding #3)**

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Setbacks** - Setbacks for detached single-family units shall be identified for each lot on the face of the plat.
- D-2 Health Department Signature Requirement** - The Health Department is not required to sign the final plat.
- D-3 Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells, if discovered, shall be shown on the face of the final plat.
- D-4 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
  - a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - b. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
  - c. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term

maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- d. Impact Fees: "In accordance with CCC 40.610, except for Lot 5 designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 1,112 (Vancouver School District), \$ 1,800 (\$1,360 - Acquisition; \$440 - Development for Park District #8), and \$ 3,668.66 (Hazel Dell TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-5 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D6 Plat Notes** - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted on all lots subject to the requirements of CCC 40.260.130."
- b. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- e. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: \_\_\_\_\_."
- f. Sidewalks: "Sidewalks shall be provided along the private street across Lots 4 and 5, as well as along NE 12<sup>th</sup> Avenue"

## **E Building Permits**

### **Review & Approval Authority: Customer Service**

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Fire Protection Finding 2)*
- E-2** In lieu of an approved fire apparatus turnaround all new residential buildings shall require an approved fire sprinkler system; plan approval for the sprinkler systems is required. *(See Fire Protection Finding 6)*
- E-3 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
  - a. \$1,112 SIF per new single-family dwelling in the Vancouver School District;
  - b. \$1,800 per dwelling for Park Impact Fees (\$1,360 – Acquisition; \$440 – Development for Park District #8);
  - c. \$3,668.66 per dwelling for Traffic Impact Fees (Hazel Dell TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. *(See Impact Fee Finding)*

## **F Occupancy Permits**

### **Review & Approval Authority: Building**

Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** In lieu of an approved fire apparatus turnaround all new residential buildings shall require an approved fire sprinkler system prior to occupancy of the buildings. *(See Fire Protection Finding 6)*

- F-2** Prior to the issuance of a certificate of occupancy for the applicable lot, a letter from a licensed landscape architect must be provided which verifies that the required landscaping has been installed in compliance with the approved landscape plan. *(See Land Use Finding 2)*

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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**H-1 - none**

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
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## **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on December 31, 2009. Therefore any appeal must be received in this office by January 14, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

## **Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>



